IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 32965 of 2006(S)

PETITIONER:

C.C. PAVITHRAN,
PREMA VILLA, NEAR MINERVA STUDIO,
CAMP BAZAR, KANNUR.

BY ADV. DR.K.P.SATHEESAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, SOUTH BAZAR ROAD, PAYYANNUR,
KANNUR DISTRICT.

3. THE DISTRICT COLLECTOR, KANNUR.

4. KANNUR MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
KANNUR.

5. KALLALATHIL SREEDHARAN,
SREE CHAND FAMILY TRUST, DEVI BHAVAN,
NEAR UNDER BRIDGE, KANNUR.

6. THE DISTRICT GROUND WATER OFFICER,
GROUND WATER DEPARTMENT, KANNUR.

R1 & R3 BY GOVERNMENT PLEADER MR.T.B.HOOD
R2 BY STANDING COUNSEL MR.M.K.CHANDRAMOHAN DAS
R4 BY ADV.MR.K.CHANDRAN PILLAI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & C.N.RAMACHANDRAN NAIR, J.

W.P.(C) No.32965 of 2006

Dated, this the 12th day of December, 2006

ORDER

V.K.Bali,C.J.(Oral)

C.C.Pavithran, the petitioner herein, has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of mandamus directing the 6th respondent to take appropriate action in accordance with law against the 5th respondent in constructing the third bore well adjacent to the residential area without keeping the minimum distance as provided under the Rules. It is the case of the petitioner that the 5th respondent is drawing more than one lakh litres of water every day from the bore well and as a result of which all the neighbouring wells in the area are dried up. The entire people of the locality are put to difficulties due to the non-availability of drinking water. Even though repeated representations were filed before the statutory authorities and a number of reminders were also sent, the same evoked no response by the said authorities.

2. The records of the case would show that a mass petition

dated 10.2.2004 (Ext.P1) was made to the District Collector, Kannur and there were indeed some communications between the parties and the last letter in the series is Ext.P7 dated 17.10.2006. Without going into the merits of the case at this stage, we only direct the District Collector, Kannur to take the mass petition Ext.P1 to its logical ends and pass appropriate orders thereon in accordance with law as expeditiously as possible and preferably within a period of six months from today; after hearing all the concerned and if the Collector may so think, he may have a local inspection conducted.

Writ petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

C.N.RAMACHANDRAN NAIR,
JUDGE.

vns